IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

Appeal No. 946 of 2005
In
Chamber Summons No. 1826 of 2005
In
Summary Suit No. 3760 of 1989

Eat India Pvt. Ltd. .. Appellant
V/s.
Karimjee Ltd. .. Respondent

Mr. S.H. Doctor, Sr. Advocate i/b. Mr. I. Peter D'Cruz for the Appellant

Mr. D.D. Madon, Sr. Advocate with Ms. Payal Daftari, Mr. Lucky Indorkar i/b. M/s. Shaunak Satpute & Co. for the Respondent No. 1

Mr. Kishor Jain i/b. M/s. Mehta & Girdharlal for the Respondent No. 2

Mr. Sharad Khanna- Respondent No. 2 present in person

CORAM : DR. S. RADHAKRISHNAN &
S.C. DHARMADHIKARI, JJ.
DATED : 27.10.2005.

P.C.:-

1. Heard the learned counsel for the Appellant and the Respondent. By this Appeal, the Appellant is challenging the order dated 8.6.2005, whereby the learned Single Judge had appointed the Court Receiver, with regard to the flat No. 22-B situated at Kapur Mahal, 4th Floor, 65 Marine Drive, Mumbai-20.

2. After hearing the parties for some time, the learned counsel for the Respondent No. 2 Court, on instructions from the Respondent No. 2, who is personally present in Court, states that he will file an undertaking in this Court that he will not part with

the possession or create any third party rights or induct any third party, till the disposal of the Chamber Summons, which has been adjourned for recording of evidence. The learned counsel for the Respondent No. 2 also states that he will abide by the order in the Chamber Summons. The undertaking will be filed within a period of two weeks from today. The undertaking will be subject to the right of Appeal. Time to file the affidavit before the Commissioner is extended by a period of four weeks from today. As per order dated 4.10.2005 in Chamber Summons No. 1178 of 2005, the time to cross-examine also stands extended by a further period of four weeks.

4. The learned Single Judge hearing the matter finally shall be uninfluenced by the observations made in the above order. Appeal stands disposed of accordingly.

(DR. S. RADHAKRISHNAN, J.)

(S.C. DHARMADHIKARI, J.)